

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Lloyd Daniel Martin,

Plaintiff,

vs.

Beth Lawson,

Defendant.

Civil Action No. 5:22-2291-RMG

ORDER

This matter comes before the Court on the Report and Recommendation (“R & R”) of the Magistrate Judge recommending that Defendant’s motion to dismiss for failure to state a claim be granted. (Dkt. No. 72). The Magistrate Judge issued a *Roseboro* order advising Plaintiff of the importance of the motion and the need to file an adequate response to avoid dismissal of the action. (Dkt. No. 65). Plaintiff filed no response. The Magistrate Judge then entered an order on March 2, 2023 directing Plaintiff to advise the Court by April 3, 2023 if he wished to continue his case. (Dkt. No. 70). Again, Plaintiff provided no response. Thereafter, the Magistrate Judge issued the R & R recommending the dismissal of the action with prejudice for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. (Dkt. No. 72). A notice was attached to the R & R advising Plaintiff he had 14 days to file objections and if he failed to do so there would be limited District Court review and waiver of the right to appeal. (*Id.* at 3). Plaintiff filed no objection to the R & R.

The Court has reviewed the R & R and the record in this matter. The Court finds that the Magistrate Judge ably summarized the factual and legal issues in this matter and correctly

concluded that Defendant's motion to dismiss with prejudice should be granted. Therefore, the Court **ADOPTS** the R & R (Dkt. No. 72) as the order of the Court and **DISMISSES** this action with prejudice.

AND IT IS SO ORDERED.

s/ Richard Mark Gergel
Richard Mark Gergel
United States District Judge

May 18, 2023
Charleston, South Carolina